Meeting Notes

Evaluation of the MUN beneficial use in Agriculturally Dominated Water Bodies

January 16, 2013

9:00 AM -3:00 PM

Location: Central Valley Regional Water Quality Control Board Office, 11020 Sun Center Drive, Suite 200 Rancho Cordova, CA 95670: Training Room

Attendees:

Best Best& Krieger – Lynn Sleeper *(by phone),* Marnie Prock *(by phone)*

California Department of Fish and Game (Fresno) – Rachel McNeal *(by phone)*

California Rice Commission - Roberta Firoved, Tim Johnson

Central Valley Water Board - Anne Littlejohn, Gene Davis, Greg Cash *(by phone)*, Heidi Bauer*(by phone*), Jay Simi, Jeanne Chilcott, Karl Longley, Katie Bowman *(by phone)*

Central Valley Clean Water Association - Debbie Webster

City of Biggs – Steve Speights

City of Willows – Skyler Lipski

Delta Stewardship Council – Mark Bradley *(by phone)*

J.G. Boswell Company – Dennis Tristao

Larry Walker Associates–Betsy Elzufan

Metropolitan Water District of Southern California – Lynda Smith

MLJ-LLC Consulting – Michael Johnson

Nexgenum– Dan Rich

Northern California Water Association – Bruce Houdesheldt

San Joaquin River Group – Dennis Westcot

Santa Clara Water District – Laura Young *(by phone)*

South San Joaquin Irrigation District – Jim Atherstone

Starr Consulting – Bonny Starr

Stoel Rives – Loren Harlow

Tulare Lake Drainage District – Mike Nordstrom

Western Plant Health Association – Afiqur Khan

Meeting Summary

Review of the Sacramento Archetype Monitoring Program (PPT presentation available)

- Central Valley Water Board staff provided a review of monitoring results from the second quarter of monitoring (July – September, third quarter of 2012) in the areas of Biggs, Colusa, Live Oak and Willows.
    - Summary of Exceedances
        - The cities of Colusa, Willows and Live Oak effluent samples had Total Dissolved Solids (TDS) results above the recommended secondary MCL range of 500 mg/L, however Colusa and Live Oak also had exceedances in upstream locations this quarter. Biggs did not have any exceedance of TDS in any samples.
        - Exceedances were measured below the low end of the secondary MCL range (900 µS/cm) for specific conductivity in most of the effluent, upstream and downstream samples this quarter. However, the upstream site of the New Ditch in Colusa remained high.
        - As seen in the first quarter of sampling, total Aluminum, Iron and Manganese all exceeded the secondary MCL concentrations (0.2 mg/L, 0.3 mg/L and 0.05 mg/L, respectively) in upstream and downstream water bodies. No effluent sample exceeded the secondary MCL for these constituents.
        - Dissolved metals were also sampled this quarter and the Colusa and Biggs upstream areas and Willows and Biggs downstream area had exceedances (secondary MCL = 0.05 mg/L) for dissolved manganese
        - Total and dissolved arsenic exceedances (0.01 mg/L) were seen in Live Oak's effluent, and upstream and downstream of Live Oak's effluent. Total arsenic exceedances were also measured in the upstream and downstream locations in Colusa. This was the first quarter total arsenic was measured above the criteria in Colusa.
        - As seen in the first quarter of monitoring, Chloroform, Bromodichloromethane, and Dibromochloromethane exceedances were only seen in Willows' effluent. There were no exceedances in the first site downstream of Willows' effluent, nor in any of the further downstream sites.
        - All of the effluent samples exceeded the primary MCL of 10 mg/L for Nitrate as Nitrogen except Biggs. Biggs is the only plant that does not include nitrification and its effluent and downstream sites were the only locations that had an exceedance over the odor threshold (1.5 mg/L) for ammonia.

- Central Valley Water Board staff is still in the process of evaluating data collected during the storm season (starting in October 2012). Staff suggested to stakeholders that no modifications be made to the current monitoring plan until the storm season is complete. Stakeholders agreed and no other suggested changes were made to the monitoring plan.
- Review of Lab Budget - A laboratory contract was just finalized with BSK Laboratories. The contract is through CV-SALTS for the approximate amount of $45,000 and will cover the remaining monitoring costs (through September 2013).

Action Items:

- *Central Valley Water Board staff will continue to monitor the Sacramento Archetype areas with no changes to the Monitoring Plan.*
- *Central Valley Water Board staff will continue analyzing storm season data and will report back results and review potential Monitoring Plan changes at the next meeting.*

Discussion of CEQA scoping meeting comments and responses

- Staff reviewed general comments received during the CEQA scoping sessions and in written comment letters. All comments and responses were provided to attendees in a Draft Response to Comments Document. Major issues and additional feedback were as follows:
    - Use of the Sacramento Valley archetypes to provide a template for the whole Central Valley
    - Definition of "Ag Dominated"
        - Historic efforts to regulate Ag dominated water bodies used a definition of "greater than 50% of flow from agriculture during the irrigation season". Is there a way to define this without using a percentage? As farmers are encouraged to recycle and conserve water, there may be less water going into the Ag water bodies, but the overall load may be the same. How does one even measure 49% versus 51%. Where do you draw the line?
    - Impact of MUN de-designation to downstream sources and overall water quality
        - If MUN is dedesignated, will there be incentive to increase discharge to these areas? What are the cumulative effects? Will it be hard for the Regional Board to set standards and require dischargers to follow them?
        - Permits are required to discharge – this is not a "get out of jail free" card
        - The Implementation portion of the Basin Plans includes steps to ensure appropriate Beneficial Uses will be protected downstream.
        - Reviewing cumulative effects is part of the CEQA process
    - Monitoring of Downstream Sources

- Publically Owned Treatment Works (POTWs) should not be have to pay for everything
- The Regional Board will look at existing monitoring programs like the Irrigated Lands Regulatory Program
- How will it look if the farmers have to pay the cost and the POTWs benefit? Especially when they may already be meeting the MUN water quality objectives?
- Maybe the benefit to change the Beneficial Use designation is smaller than the cost.
- Who gets to decide who pays for what? An economic analysis needs to be done including all of the stakeholders
- A clear decision point is needed for stakeholders regarding the economic impact of the monitoring program
- Where will we be monitoring – will we be looking at specific water bodies (e.g., those on the 303d list)?
- Will we be monitoring in every dedesignated water body or just near the water intakes?

o Impact of Recycling and conservation efforts

- California Water Code Section 13523.2 has an exception for Salinity ("A regional board may not deny issuance of water reclamation requirements to a project which violates only a salinity standard in the basin plan.")
- We need to look at load considerations – concentrations may be higher but overall loads discharged are lower.
- Water exchanges with municipalities (as in the San Joaquin River Basin) calls for pumping of groundwater into Ag supply canals with the MUN designation

o Economic Considerations to Farmers and Local Water Districts

- The economic impacts should take all stakeholders into account

o Input from California Department of Public Health

- A follow-up letter from both the Regional Board and CV-SALTS will be drafted to CDPH asking for their input
- A suggestion was made to go directly to their Board to let them know about the project and encourage participation

o Other Comments

        - This process seems to still point at Site Specific Objectives (SSOs) as being the best and most timely options for the POTWS
        - SSOs are certainly an option, but they still may be affected if a new Drinking Water standard is adopted versus a beneficial use dedesignation or refinement.

Action Items:

- *Central Valley Water Board Staff will finalize Response to Comments document and post to MUN website.*
- *Central Valley Water Board Staff will use these CEQA scoping comments as they develop the framework for future stakeholder meetings.*
- *Central Valley Water Board staff will initiate drafting a letter to California Department of Public Health and explore the opportunity for a joint letter from the Central Valley Water Board and CV-SALTS.*

Working Definitions

- Ancillary Structure
    - Central Valley Water Board staff presented draft language for the definition of "Ancillary Structure". Comments and suggestions were as follows:
        - What about ditches shared by adjacent farms?
        - Concern with the USGS language
        - Suggestion to use "private" or "privately constructed" water conveyance structures
        - Change approval from Central Valley Water Board to Associate Executive Officer
        - Suggestion to take out the approval language – this should be part of an implementation step, not a definition
        - Concern over public access language
        - Concern over co-mingling waters
    - Central Valley Water Board staff presented draft language for the definition of Closed Recirculating System. Comments and suggestions were as follows:
        - Concern over what "closed", "downstream" and "internal" water bodies mean
        - This term should be broken down into two separate terms depending on whether or not it is ever opened to downstream sources (as in a seasonally closed recirculating system)

Action Items:

- *Participants will propose alternate language for "Ancillary Structure" and "Closed Recirculating System" via email to Anne Littlejohn.*

- *Tulare Lake Drainage District representatives will focus on recirculating systems and will coordinate with folks in the Grassland Bypass Project area (David Cory) and the Rice Industry (Tim Johnson) to ensure that propose definitions and examples make sense in the three different areas.*

Review Characteristics of Water Body Categories

- Central Valley Water Board staff initiated discussion on the merits and/or pitfalls of using the existing the Inland Surface Water Plan (ISWP) categorization model. Staff also presented an updated model with modifications that would be useful for evaluating the MUN beneficial use. Comments were as follows:
    - Overall consensus that using the ISWP model was a good idea – best to build off something that was already used and approved by the Regional Board.
    - Easier to give Water District old reports to work off of and do "checks" of their water body categories instead of giving them something new and starting from scratch. Also more time efficient
    - Concern over the term "ephemeral". Is this "naturally" ephemeral? Does it include "dry washes"?
    - Concern over the questions in the ISWP model that lead to a modified channel – do these still work today?
    - Concern over the modification date – was the channel modified pre-1900s or before Porter Cologne?
    - Concern over the default (Natural Water body) category. Suggestion of putting those water bodies into a "holding place" where they would remain until more information was gathered.
- Central Valley Water Board initiated a short discussion on Beneficial Uses for different categories of water bodies. Proposed flowcharts for the modified and constructed Ag drains were presented to show how the Sources of Drinking Water Policy exception may be applied. A copy of the Ag. Water Task Force report on this topic was also provided to give attendees an idea of what was considered in the past.
    - There was consensus that the flowcharts used for modified and constructed water bodies with Ag drainage were fairly straightforward.
    - There was more concern as to how beneficial use designations would work for natural water bodies and constructed supply channels.
    - The East San Joaquin valley is made up of predominantly supply channels and there is a trend towards using ground water and/or storm water in their channels for "conjunctive use". These water bodies may also supply water for drinking to municipalities. These issues may make characterizing these water bodies more difficult.

Action Items:

- *Participants will review and provide feedback on the section of the categorization flow chart related to characteristics of "modified" water bodies.*
- *Participants will review discussion materials on beneficial use designations in preparation for the next stakeholder meeting*
- *San Joaquin River Group Authority will evaluate/propose characteristics and appropriate associated beneficial uses/water quality objectives for agricultural supply water bodies.*

Discuss Project Schedule and Future Meetings

- February 2013
  - CVWB staff: start to develop Scope of Work for Contract to address Economic and CEQA Considerations

- March 2013--meeting
  - Refine Beneficial Uses/Water Quality Objectives
  - Initiate Implementation Discussion

- May 2013--meeting
  - Continue Implementation Discussion
  - Initiate Monitoring/Surveillance Discussion

- June/July 2013--meeting
  - Continue previous topics as needed
  - Initiate discussions on other Policy issues (e.g. Water Conservation Clause, Net Environmental Benefit etc.)

Action Items:

- *Central Valley Water Board staff will send out an email with a Meet-o-Matic link to aid in scheduling the meeting for March 2013.*
- *Central Valley Water Board staff will provide meeting material to participants approximately 2 weeks prior to next scheduled meeting.*